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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

Y.

NATHAN DANIEL LARSON,

Defendant,

Case No. 1:21-cr-00022 NONE/SKO

**UNITED STATES' SUPPLEMENTAL BRIEF
REGARDING DEFENDANT'S COMPETENCY
UNDER 18 U.S.C. § 4241 AND IN ADVANCE OF
HEARING TO DETERMINE SAME**

Date: January 7, 2022

Time: 8:30 a.m.

Court: Hon. Dale A. Drozd

I. NOTICE OF MOTION AND MOTION

To defendant Nathan Daniel Larson and his counsel of record, please take notice that on the above date and time and before the Honorable Dale A. Drozd, United States District Judge, plaintiff United States of America will move this Court to find that, after the completion of Larson's recent psychological evaluation and pursuant to 18 U.S.C. § 4241 and Fed. R. Crim. P. 12.2(a), (1) there is no reasonable cause to believe Larson is currently incompetent to stand trial and (2) Larson appreciated the criminality of his conduct at the times of the offenses alleged against him.

Specifically, and based on a review of the Bureau of Prisons' "Forensic Evaluation" dated October 22, 2021 and "Forensic Addendum" of the same date¹ (each of which addressing interviews

¹ Pursuant to the court's sealing order of December 29, 2021 (Dkt. 61), the government will ask the clerk of the court to file these two reports under seal upon the filing of this brief. They are respectively marked as Exhibits "A" and "B" herein.

1 with Larson, tests given to Larson, and referencing voluminous materials received about Larson
2 including those relating to his prior medical history) Larson appears to be able to currently understand
3 the nature and consequences of the proceedings against him and to properly assist in his defense.
4 Larson's Forensic Psychologist also found him to have appreciated the nature, quality and wrongfulness
5 of his conduct during those times alleged in the indictment. In light of these reports, whose findings are
6 undisputed by the defense, the government maintains that the court possesses the necessary information
7 to rule on defendant's competency and mental state without the need to call witnesses at the January 7,
8 2022 hearing.

9 **II. RELEVANT FACTS**

10 On May 19, 2021, the government filed a motion for a (1) mental examination to determine
11 Larson's competency, as well as (2) competency hearing to take place after the examination's
12 completion. Dkt. 24. On June 2, 2021, the defense filed a "joinder" to the government's motion, and
13 further asked that Larson's mental condition also be assessed regarding the times alleged in the
14 indictment. Dkt. 31. After conducting a June 11 hearing addressing the issues raised in the
15 aforementioned filings, the court granted the government's motion and issued an order on June 15, 2021
16 granting "the United States' motion for a determination of his competency and the defense's motion for
17 a determination of his mental condition at the time of the crimes alleged in the indictment." Dkt. 44, at
18 2:10-12.

19 After the court's issuance of the above order, the government retained Dr. Samantha Shelton, a
20 forensic psychologist at the Bureau of Prisons' Metropolitan Detention Center in Los Angeles,
21 California, to evaluate Larson's competency and mental condition during the times of his alleged crimes.
22 After reviewing an extensive volume of medical and other records regarding Larson,² as well as
23 interviewing Larson and conducting tests and procedures with him over a span of several weeks, Dr.
24 Shelton found Larson competent to both (1) understand the nature and consequences of the court
25 proceedings against him and (2) assist with his defense and stand trial (Exh. A, pp. 22-23). With respect
26 to Larson's mental state at the times alleged in the indictment, Dr. Shelton found Larson "demonstrated

27
28 ² These records are identified both in Larson's Forensic Evaluation addressing competency (Exh. A, pp. 6-7) and
Forensic Addendum addressing mental state at times alleged in indictment. Exh. B, pp. 1-2.

1 an ability to appreciate the criminality of his conduct and could have conformed his conduct to the
2 requirements of the law.” Exh. B, p. 9.

III. ARGUMENT

A. The Record Currently Shows that (1) there is No Substantial Evidence or Reasonable Cause to Believe Larson is Incompetent to Proceed with his Defense, and (2) Larson Appreciated the Criminality of his Conduct During those Times Alleged in the Indictment.

7 A district court judge must hold a competency hearing if a reasonable judge would be expected
8 to experience a genuine doubt respecting the defendant's competence. *United States v. Dreyer*, 705 F.3d
9 951, 960 (9th Cir. 2013). Competence is defined as the ability to understand the proceedings and to
10 assist counsel in preparing a defense. *Miles v Stainer*, 108 F.3d 1109, 1112 (9th Cir. 1997). Evidence of
11 a defendant's irrational behavior, his demeanor at trial, and any prior medical opinion on competence to
12 stand trial are all relevant in determining whether further inquiry is required, but that even one of these
13 factors standing alone may, in some circumstances, be sufficient. *Drope v. Missouri*, 420 U.S. 162, 180
14 (1975). More recently, the Ninth Circuit has written that "relevant evidence [as to a defendant's
15 competency] falls into three broad categories: medical history, the defendant's behavior in and out of
16 court, and defense counsel's statements about the defendant's competency." *United States v. Garza*, 751
17 F.3d 1130, 1134 (9th Cir. 2014).

18 Here, an assessment of the three categories of competency evidence suggested in *Garza* reveals
19 that Larson appears currently competent to stand trial and further appreciated the criminality of his
20 alleged conduct. Mental health expert Dr. Samantha Shelton very recently evaluated Larson over a span
21 of several weeks and arrived at these two conclusions, which themselves are based on information
22 relating to the first two categories of information identified in *Garza*. The defense does not dispute
23 either of them. As for the third category, defense counsel has not stated on the record that he is unable
24 to communicate with Larson, nor enlist his participation in his defense. Because the three *Garza*
25 competency analysis factors are satisfied, Larson should be deemed competent to proceed with his
26 defense.

27 | //

IV. CONCLUSION

For the aforementioned reasons, Larson should be deemed competent to proceed with the present prosecution.

Dated: December 30, 2021

PHILLIP A. TALBERT
United States Attorney

By: /s/ Brian W. Enos

Brian W. Enos
Assistant United States Attorney